

**TOWN OF ELSMERE  
COUNCIL MEETING MINUTES  
MARCH 10, 2011  
COUNCIL CHAMBERS  
6:30 p.m.**

**CALL TO ORDER:** Mayor Deborah A. Norkavage called the meeting to order at 6:30 p.m.

**PLEDGE OF ALLEGIANCE:**

At this time there was a moment of silence in memory of Kay Stallard who recently passed away.

**ROLL CALL:**

MAYOR	DEBORAH A. NORKAVAGE	PRESENT
1 <sup>ST</sup> DISTRICT	JOHN JAREMCHUK, JR.	PRESENT
2 <sup>ND</sup> DISTRICT	STEVEN BURG	PRESENT
3 <sup>RD</sup> DISTRICT	THOMAS S. NOVAK, JR.	PRESENT
4 <sup>TH</sup> DISTRICT	CHARLES MCKEWEN	PRESENT
5 <sup>TH</sup> DISTRICT	JOANN I. PERSONTI	PRESENT
6 <sup>TH</sup> DISTRICT	JOHN N. PASQUALE, JR.	PRESENT

Town Manager, John Giles – Present  
Town Solicitor, Edward McNally – Absent  
Chief Scott McLaren – Present

**PUBLIC COMMENT:**

Robert Endres introduced himself and discussed a ticket he received regarding burning in a homemade chimnea. He stated that the ticked is listed as a violation of “open burning” yet his ticket says he was “burning in enclosed bricks.” He stated that he has had to pay close to \$180.00 in his attempt to fight this ticket. He stated that he has spent over \$10,000.00 in the Town in the last year and pays his taxes, however if this matter is not resolved he will have to boycott the Town and its businesses.

Councilman Jaremchuk questioned if the chimnea has to be store bought or homemade.

Mayor Norkavage stated that the spirit of the Ordinance was never intended to harass the residents it was intended to keep the residents safe.

Mr. Endres stated that he as only burning 5 checkbooks.

Councilman Pasquale questioned if it was only 5 checkbooks at 11:00AM how was the fire large enough that a neighbor wanted to contact the Police Department.

Town Manager Giles stated that while the Mayor and Council addresses residents concerns, this particular case of whether the chimnea is a violation of Town Ordinances is a matter for the Courts to decide at this point.

Mayor Norkavage agreed that the Council has no authority to make the situation to disappear.

Mr. Endres stated that if he is found guilty on April 18<sup>th</sup> that he will boycott the Town and not make another purchase.

Councilman Burg stated that he is sorry to hear Mr. Endres state that he will boycott the Town, however it will be his loss because it will cost him more to go outside the Town.

Mayor Norkavage stated that by doing so he will not impact the Town only the businesses in it not the Town directly.

Chief McLaren stated that 3 cars were dispatched to his residence because the call came from the fire board which is usually an active fire and is common practice to send 3 officers for traffic and pedestrian control.

At this time there were several conversations occurring at one time and the tape was inaudible.

At this time Mr. Endres stated that he was getting nowhere, thanked the council for their time and left the meeting.

#### **APPROVAL OF MINUTES:**

Mayor and Council considered the approval of the February 10, 2011 Council Meeting Minutes.

**ACTION:** A motion was made by Councilwoman Personti to approve the Minutes of the February 10, 2011 Council Meeting with no corrections. The motion was seconded by Councilman McKewen.

#### **VOTE:**

7-0 All In Favor      Motion carried

## **OLD BUSINESS:**

### Presentation of the annual audit report for FY 2009-2010

Town Manager Giles stated that the audit report has been rescheduled; Mr. Barbone has unfortunately been in another automobile accident. He has been promised that one way or another there will be a presentation in April.

### Mayor and Council considered for Third and Final Reading of Ordinance 527

**ACTION:** A motion was made by Councilman Pasquale to adopt for Third and Final Reading of Revised Ordinance 527. The motion was seconded by Councilman Novak.

Councilman Pasquale stated that he has looked over this and thinks that it is a great way to get ahead before solar equipments starts to be installed everywhere.

Councilman Jaremchuk stated that he is opposed to this ordinance because he questions the ability of the Planning Commission to make a decision regarding this topic with no training or knowledge of the equipment.

Mayor Norkavage stated that she believes the ordinance is a little too strict in areas and may deter applicants from being able to place solar equipment up at all.

Discussion occurred regarding the requirement of structural engineers and who would do the inspections.

Councilman Pasquale called the question.

## **VOTE:**

1<sup>st</sup> District Councilman Jaremchuk – No, 2<sup>nd</sup> District Councilman Burg – No, 3<sup>rd</sup> District Councilman Novak – Yes, 4<sup>th</sup> District Councilman McKewen – No, 5<sup>th</sup> District Councilwoman Personti - Yes, 6<sup>th</sup> District Councilman Pasquale – Yes, Mayor Norkavage – No

VOTE: 3–4

Motion defeated

Mayor and Council considered for First and Second Reading of Ordinance 528

Town Manager Giles stated that after speaking with Mr. McNally this ordinance can be heard as third and final.

**ACTION:** A motion was made by Councilman Novak to adopt for Third and Final Reading of Revised Ordinance 528. The motion was seconded by Councilman Jaremchuk

**VOTE:**

7-0 All-in-Favor

Motion carried

**NEW BUSINESS:**

Mayor and Council considered for First and Second Reading of Ordinance 529.

**ACTION:** A motion was made by Councilwoman Personti to adopt for First and Second Reading of Revised Ordinance 529. The motion was seconded by Councilman Jaremchuk

Councilwoman Personti gave an overview of the ordinance and how it would work, stated that the enforcement of it and the fines would be at the discretion of the Town Manager and Chief of Police.

Chief McLaren stated that they are trying to stay on top of the nuisance properties and sending warnings and fines as frequently as possible.

A lengthy discussion occurred regarding the impact the ordinance would have on tenants who occupy rentals covered regarding this ordinance.

Town Manager Giles stated that if the rental permit is revoked the Town must require eviction under the current code, because of an invalid rental permit.

A discussion occurred regarding changing the existing code to match the wording in the current code.

Councilman Novak Called the question.

**VOTE:**

7-0 All-in-Favor

Motion carried

Mayor and Council considered a request by the Chief of Police regarding the disposition of seized vehicles.

Chief McLaren stated that these vehicles are of no use to the Town for any purpose and that he would like to sell these vehicles at auction.

**ACTION:** A motion was made by Councilman Jaremchuk to authorize the Department of Public Safety to dispose of the two seized vehicles at public auction. The motion was seconded by Councilman Burg.

**VOTE:**

7-0 All-in-Favor                      Motion carried

The Mayor and Council considered a request to make an annual donation to the Elsmere Fire Company.

**ACTION:** A motion was made by Councilman Jaremchuk to donate a sum of \$10,000.00 to the Elsmere Fire Company. The motion was seconded by Councilman Burg.

**VOTE:**

7-0 All-in-Favor                      Motion carried

Town Manager Giles stated that he believes the appropriate action would be to authorize an increase in the Administration Department Budget for Contributions by \$10,000.00 for the purpose of making a donation to the Elsmere Fire Company.

The council members in attendance agreed with this procedure.

The Mayor and Council considered a request made by the Department of Public Safety for the installation of a “Stop” sign to be installed at the intersection of Forrest Avenue and Second Avenue.

Councilwoman Personti asked which direction the “Stop” sign would be facing.

Chief McLaren stated that the sign would be on Second Avenue forcing those residents to stop.

**ACTION:** A motion was made by Councilwoman Personti to approve Resolution 11-01 for the installation of a “Stop” sign at the intersection of Forrest Avenue and Second Avenue. The motion was seconded by Councilman Jaremchuk.

**VOTE:**                      7-0 All-in-Favor                      Motion carried

The Mayor and Council discuss setting a date for the Annual Community Yard Sale.

Town Manager Giles stated the Town is recommending that the date be set for Saturday, April 9, 2011.

The Mayor and Council discuss setting a date for the Annual Community Yard Sale.

Town Manager Giles stated that the Town is recommending that the date be set for Saturday, April 16, 2011 from 7:00am until 2:00pm.

**ACTION:** A motion was made by Councilman Burg to set the Community Yard Sale for April 9, 2011 and the Town Wide Clean-up Day for April 16, 2011. The motion was seconded by Councilman Pasquale.

**VOTE:**

7-0 All-in-Favor

Motion carried

The Mayor and Council discuss setting a date for a public meeting regarding the upcoming Transportation Enhancement Program.

Town Manager Giles stated that this would be held regarding the proposed walking path, sidewalks and bike paths.

Mayor Norkavage asked if the Fire House would be available on the proposed evenings.

Town Manager Giles stated that he would discuss the event with them once a date is determined.

Wednesday, April 13, 2011 from 6:30pm to 7:30pm was proposed.

**DEPARTMENTAL REPORTS:**

**Code:**

Code supplements are being given out.

Councilman Burg asked if they could receive what the citations are issued for.

Town Manager Giles stated that it would have to be a manual calculation on what they were issued for, our system is not automated like the Police tracking system.

Councilman Novak stated that he has heard several good remarks regarding Brian.

Town Manager Giles stated that while Brian solves the problems he has to pick up the speed and start to fine some of the residents regarding too much time.

**Finance:**

Reports were given out before the meeting, Audit report was postponed also late regarding a project he is working on with the Attorney.

Councilman Jaremchuk asked how the Police Pension Project was going.

Town Manager Giles stated that they are working on that and it is not ready, the report will be ready by the April meeting because the State Plan requires us to enter by a specific date.

**Public Safety:**

Chief McLaren stated that the email issues were resolved, there is a new Police website, [www.elsmerepd.com](http://www.elsmerepd.com), fuel is being used up and work will begin in the next week or two to remove the existing tank.

Town Manager Giles stated that while to work on the tank they will be checking into the abandoned Town Oil Tank has been removed from the Recreation side of the building and if not what the integrity of the Tank is.

Councilman Jaremchuk asked why the Chief was soliciting applicant for certified Police Officers In and Out of State.

Chief McLaren stated that there are two employees who are contracted to possible transfer to New Castle County for employment and the preference would be shown to Delaware Certified Officers.

Mayor Norkavage questioned what prompted the new website.

Chief McLaren stated that if they had joined the Town's website then the current site administrator would have access to the Police portion of the site and he felt that was a security issue.

Mayor Norkavage stated that a single site would be best.

It was brought up that the current site has a seamless link under Town Departments which links to the new Police website.

Chief McLaren stated that he has done a meet and greet with the NCC Crossing Guards, and then presented the 2010 Annual Report.

**Public Works:**

Town Manager Giles stated that he would like to dispose of 2 vehicles that are in an un-repairable condition, First State Towing is offering \$500.00 for the old Dump Truck and \$300.00 for the Pick-up Truck. He stated that the Auctions did not want the vehicles they are too damaged and would receive no value at auction. In addition the department is working on pot holes.

A brief discussion occurred regarding the possibility of requesting a Pot Hole Repair Machine during the budget.

**Town Manager's Report:**

Town Manager Giles stated that he received a letter from DNREC regarding a contract for Mosquito Control.

**ACTION:** A motion was made by Councilwoman Personti to approve the mosquito control contract. The motion was seconded by Councilman Novak.

**VOTE:**            7-0 All-in-Favor                      Motion carried

Town Manager Giles stated that there are approximately 6 old laptops that are no longer being used at Town hall that have resale prices of less than \$75.00. He would like to replace the two Net books with two of these laptops with Air cards with Microsoft Office for Council's use and then would like to sell the remaining laptops to interested Town Employees for personal/work related use for \$100.00 each.

**ACTION:** A motion was made by Councilman Novak to approve the Town Managers request regarding old laptops. The motion was seconded by Councilman Jaremchuk.

**VOTE:**

7-0 All-in-Favor                      Motion carried

A discussion occurred regarding conservation of gas in equipment and vehicles due to high cost of gas.



Councilman Pasquale asked if window replacement requires a permit.

Miss Diana Poole stated that this does require a permit.

Councilman Pasquale stated that the owners of 11 Alfred Avenue are replacing their windows and would like to check on any permit status.

Councilman Burg asked about the status of the Dog Park.

Town Manager Giles gave an update regarding necessary fencing, building repairs and removal of a stone area which may require some dirt fill. Stated that he is working on applying for grant money from the Forestry Department for some of the work that is left.

Town Manager Giles stated that the equipment has been moved out of the old Annie's and has been placed in the Vilone Park Concessions temporarily. The Concession Stand will need some updating before the equipment can be used.

Discussion occurred regarding use of Town Parks and equipment.

Town Manager Giles stated that Serpe's Bakery is meeting with the Code Enforcement Office regarding proposed storage and building flood proofing.

Council asked that John be involved with that meeting.

Mayor Norkavage thanked the Town Manager regarding notifications she received prior to that day's storm event and possible flooding.

Town Manager Giles stated that they were prepared and that he had made a request to DEMA that morning for some equipment pre-deployment that had been denied.

**PUBLIC COMMENT:**

None

**ADJOURNMENT:**

**ACTION:** A motion was made by Councilman Burg to Adjourn. The motion was seconded by Councilman Novak.

**VOTE:** 7-0 All-in-Favor Motion carried

**These minutes summarize agenda and other issues discussed at this Council Meeting. Votes are recorded accurately. The audio tape(s) of this meeting will be available at Town Hall for a period of two years from the date these minutes are approved. The audio tapes may be reviewed at Town Hall by appointment and in accordance with the Freedom of Information Act.**

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**DEBORAH A. NORKAVAGE**  
**MAYOR**

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**JOANN I. PERSONTI**  
**SECRETARY**